February 27, 2004

Assistant Commissioner of Patents

Washington, DC 20231

PROTEST UNDER 37 CFR 1.291(a)

Re: Apparatus and method for executing a game program
having advertisements therein

US File # *20020040322*   Filed: 12/6/01

Sirs:

Recently I found the above referenced patent filing and believe this filing has
NOT issued in the U.S. The US File # is *20020040322*

I am voicing an objection as a concerned third party and as a U.S. Citizen. The
patent filing describes at great length an advertising delivery system dependent
upon a databases maintained at the client level in a client-server ad delivery
system. The appropriate ads are selected through profiling techniques at the
server level then a database is created and downloaded (transmitted) via the
internet (0062) to the "Game System" at the User's computer. Multiple ad
databases may be downloaded and stored to correspond with an appropriate
game. The Game System software can monitor play habits and display content
(display advertising) based on voluntary user actions and related game triggers
correlating with the appropriate ad database for that game. The ad databases
are remotely controlled and updated or replenished frequently. (0033)

The abstract clearly states, "A game system which is operable to update
advertisements that are displayed when a game program is executed. The
system stores a game program in a memory, receives (i.e., downloads), at
predetermined times of operation, for example, on each new day the game
program is executed or each time the game program is executed, updated
advertising data that relates to at least one advertisement, stores the received
advertising data in the memory, executes the game program stored in the
memory, and outputs during the execution of the game program display data
which corresponds to the stored advertisement data in accordance with the game
program code. Further, instead of downloading new advertisements, plural
advertisements may be pre-stored with the game program and only
advertisement selection codes are downloaded to update the advertisements that
are displayed when the game program is executed."

Relevant Claims are 1, 2,3,4 5,10, 11, 12, 13, 14 and others that discuss downloading new content to the client and replacement of old content based upon a number of other voluntary user actions exemplified through game play. The system is described in (0012) (0013) (0027) (0039).

This is referred to as "pull" advertising as a voluntary action on the part of a user interacts with a pre-established database and a targeted ad is displayed.

I am objecting to this patent filing as it is neither novel nor unique. It is of particular note that no prior art was submitted with this filing and only some vague references to server profiling systems. The filers are correct that a targeted system based on voluntary user movements client software interactions is more accurate and excels in its ability to deliver "relevant" ads at the exact moment of interest. However, the filers did not include the following references:

1. US Patent 6,141,010 ... similar technology
2. Gator.com (recently changed to Claria.com) has been marketing such a system since 1998 or 1999
3. WO9955066 (A1) or EP1076983 (A1) ... similar technology

There may be more prior art preceding the 12/6/2001 filing.

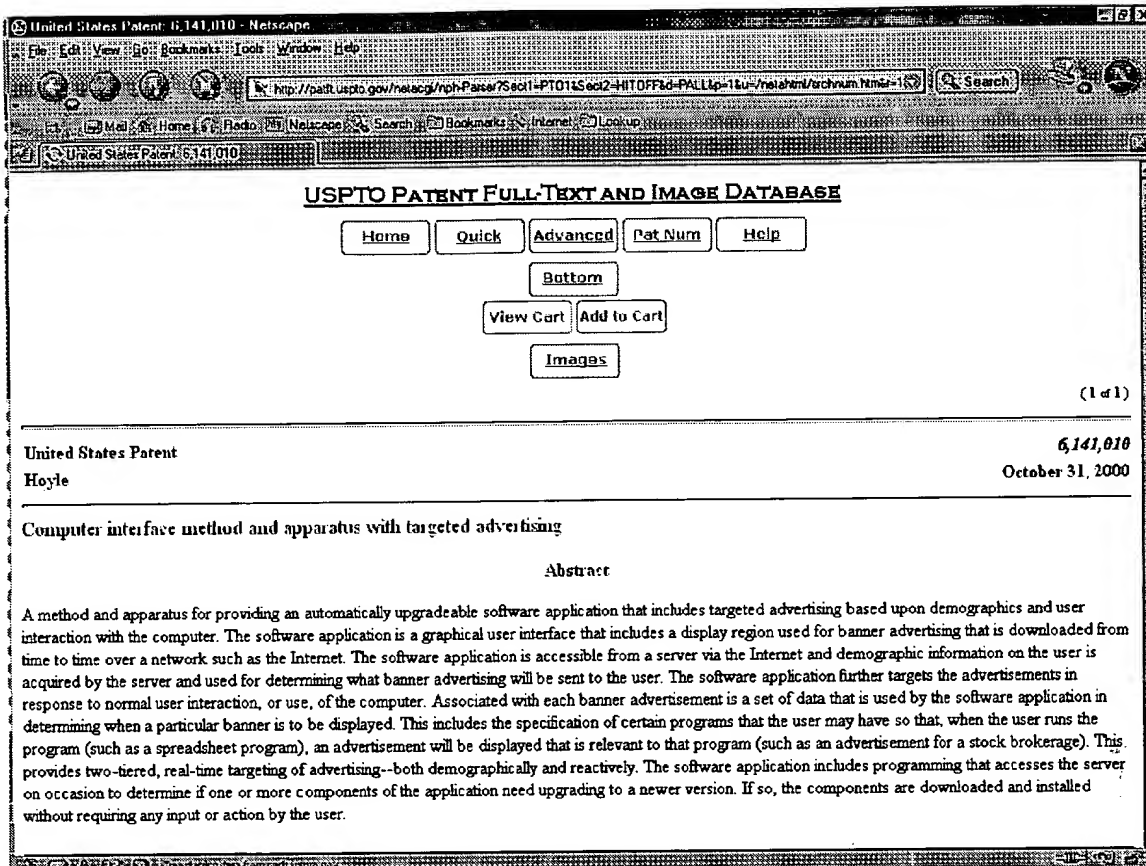I believe the Examiner should look very closely at the Claims made and judge accordingly.

TELEPHONE CALL MANAGEMENT SOFTWARE AND INTERNET MARKETING METHOD

Also published as:
WO9955066 (A1)
EP1076983 (A1)

Patent number: CA2328913
Publication date: 1999-10-28
Inventor: ZETMEIR KARL D (US)
Applicant: ZETMEIR KARL D (US)
Classification:
International: H04M3/00
european:
Application number: CA19902328913 19990414
Priority number(s): US19980062041 19980417; WO1999US09102 19990414

Abstract of CA2328913

A telephone call management computer program that provides both call management features and long distance savings for telephone consumers and marketing and advertising services for sponsor companies that wish to advertise to the consumer is disclosed. The call management program is initially stored on a host computer (12) and is then downloaded upon request to user computers (22) along with advertisement banners selected by the sponsor companies. When used, the program automatically front-loads a long distance carrier's PIC code in front of all long distance calls made from the user computers to permit consumers to automatically make long distance phone calls at discounted rates without memorizing numerous PIC codes and without continually shopping for the best long distance rate. The program al so provides many enhanced telephone calling options and displays the banners an d other advertising directly on the user computers (22) while the consumers us e the program.

USPTO PATENT FULL-TEXT AND IMAGE DATABASE

| Home | Quick | Advanced | Pat Num | Help |

Bottom

View Cart | Add to Cart

Images

United States Patent   **6,141,010**

Hoyle   October 31, 2000

Computer interface method and apparatus with targeted advertising

Abstract

A method and apparatus for providing an automatically upgradeable software application that includes targeted advertising based upon demographics and user interaction with the computer. The software application is a graphical user interface that includes a display region used for banner advertising that is downloaded from time to time over a network such as the Internet. The software application is accessible from a server via the Internet and demographic information on the user is acquired by the server and used for determining what banner advertising will be sent to the user. The software application further targets the advertisements in response to normal user interaction, or use, of the computer. Associated with each banner advertisement is a set of data that is used by the software application in determining when a particular banner is to be displayed. This includes the specification of certain programs that the user may have so that, when the user runs the program (such as a spreadsheet program), an advertisement will be displayed that is relevant to that program (such as an advertisement for a stock brokerage). This provides two-tiered, real-time targeting of advertising--both demographically and reactively. The software application includes programming that accesses the server on occasion to determine if one or more components of the application need upgrading to a newer version. If so, the components are downloaded and installed without requiring any input or action by the user.

CLARIA.

🔳 CORPORATE OVERVIEW

CORPORATE OVERVIEW
- Overview
- News Room
- Management Team
- Employment

ADVERTISE

PRODUCTS & SERVICES

CONTACT US

Overview

■ Claria Corporation Overview

Claria Corporation is the leader in online behavioral marketing, serving over 38 million consumers and more than 900 Advertisers -- including over 80 Fortune 1000 companies. Claria publishes advertising messages for top tier companies and agencies to consumers who are part of the GAIN Network. Claria's network of over 38 million consumers who agree to receive advertising based on their actual online behavior.

Unlike traditional demographic targeting, Claria's behavioral marketing model combines powerful insights into consumer behavior and the ability to deliver contextually targeted messages. The relevancy of the messages drives click-through and conversion rates up to 40 times higher than traditional banner ads -- boosting campaign results to unprecedented levels. The difference is Claria's deep insights into consumer online behavior. Claria allows advertisers to target consumers based on their individual needs and interests resulting in industry leading ROI, not mass demographically targeted Web site populations.

In addition to its advertising network, Claria provides marketing research and business insights through its Feedback Research division. Feedback Research delivers in-depth analytics of consumer Web usage patterns across the entire Internet that cannot be attained via any other research provider. It also provides full service custom marketing research to Fortune 1000 clients. With exclusive access to the GAIN Network's 38 million consumers, Feedback Research surveys hard to reach consumers, based on their individual online behavior, quickly and cost-effectively.

■ History

Claria was founded in 1998 as The Gator Corporation to deliver the promise of one-to-one marketing on the Internet. The guiding vision was to develop a massive consumer audience by offering valuable web/software content for free in exchange for the right to show highly targeted advertising based on consumers' anonymous surfing behavior. Launched in June 1999, the Gator eWallet was the company's first free ad-supported software product, and it quickly grew to become the most popular product in its category.

By November 1999, Claria had revolutionized the online advertising industry by introducing its contextual and behavioral relevant online advertising model. This new advertising method resulted in unparalleled ROI for advertisers.

Claria headquarters are located in Redwood City, California, with U.S. offices in Los Angeles, Chicago, New York, Detroit, Austin, and International offices in the U.K and Asia. Claria is backed by top-tier venture capitalists such as Greylock, Technology Crossover Ventures, U.S. Venture Partners, Investor AB and Crosslink Capital.